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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR07-148-RSL
10 v.)
11 TY ZACHARIA NELLES,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on October 13, 2011. The United States was represented by AUSA Steven T. Masada and the
16 defendant by Lee A. Covell. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about September 21, 2007 by the Honorable Robert
18 S. Lasnik on a charge of Burglary of a Pharmacy, and sentenced to 18 months custody, three
19 years supervised release.

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant participate in a substance abuse program, abstain from alcohol,
22 submit to search, participate in a mental health program, pay restitution in the amount of

01 \$18,212.50, provide his probation officer with access to financial information on request, and
02 be prohibited from incurring new credit obligations or opening new credit lines. (Dkt. 18.)

03 Defendant's probation officer reported on January 20, 2010 that defendant had violated
04 the conditions of supervised release by using methamphetamine. Defendant was reprimanded,
05 testing was increased and he was placed in a structured testing program. No further action was
06 taken at the time. (Dkt. 20.)

07 On April 8, 2010, defendant admitted violating the conditions of supervised release by
08 failing to follow the instructions of his probation officer with regard to participating in the
09 Moral Reconciliation Therapy program. (Dkt. 25.) Defendant was ordered to participate in the
10 home confinement program for up to 180 days. (Dkt. 31, 32.)

11 On May 5, 2011, defendant was found in violation of the conditions of supervised
12 release by failing to participate in the Moral Reconciliation Therapy program. (Dkt. 39.)
13 Defendant was ordered to complete 30 hours of community service within three months (Dkt.
14 40.)

15 In an application dated September 29, 2011 (Dkt. 41, 42), U.S. Probation Officer
16 Angela M. McGlynn alleged the following violations of the conditions of supervised release:

17 1. Using amphetamines on or before September 15, 2011 in violation of standard
18 condition No. 7.

19 2. Failing to submit truthful and complete written reports within the first five days
20 of each month since April 2011 in violation of standard condition No. 2.

21 3. Failing to report as directed on or about September 26, 2011, in violation of
22 standard condition No. 2.

01 4. Opening additional lines of credit without approval on or before June 2011, in
02 violation of special conditions that prohibit the defendant from incurring new credit charges,
03 opening additional lines of credit, or obtaining a loan without the approval of the probation
04 officer.

05 Defendant was advised in full as to those charges and as to his constitutional rights.

06 Defendant admitted violation 1 and waived any evidentiary hearing as to whether it
07 occurred. He requested an evidentiary hearing on violations 2, 3, and 4.

08 I therefore recommend the Court find defendant violated his supervised release as
09 alleged in violations 1 and that the Court conduct a disposition hearing with regard to that
10 violation, and an evidentiary hearing on violations 2, 3, and 4. The next hearing will be set
11 before Judge Lasnik.

12 Pending a final determination by the Court, defendant has been detained, with the
13 possibility of release to an inpatient drug treatment program as it becomes available.

14 DATED this 13th day of October, 2011.

15 

16 Mary Alice Theiler
17 United States Magistrate Judge
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19 cc: District Judge: Honorable Robert S. Lasnik
AUSA: Steve Masada
20 Defendant's attorney: Lee Covell
Probation officer: Angela M. McGlynn
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